

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Friday, March 24, 2017 4:48 PM
To: 'Jeffrey Dvorin'
Subject: Thank you -- RE: "Concerns" -- RE: CJA v Cuomo citizen taxpayer action: #5122-16 -- plaintiffs' Feb 15 OSC: adjournment request & notice to Attorney General
Attachments: 3-24-17-ltr-to-hartman.pdf; 3-24-17-senate-2017-amended-bills.pdf; 3-24-17-senate-2016-amended-bills.pdf; 3-24-17-assembly-2017-amended-bills.pdf; 3-24-17-assembly-2016-amended-bills.pdf

Dear Litigation Bureau Chief Dvorin --

I will call you on Monday morning, if I do not hear from you before then, so that we can discuss the order to show cause for a preliminary injunction, with TRO, that I will be presenting on Tuesday.

Consistent with my March 24th letter to Justice Hartman, stating:

"By this letter, plaintiffs give notice to AAG Kerwin – and her highest superiors, including Attorney General Schneiderman – to bring to the March 28th oral argument records responsive to these four FOIL/records requests and come prepared to demonstrate to the Court how the fiscal year 2017-2018 'amended' budget bills – and the Senate and Assembly one-house resolutions, based on the 'amended' bills, with their accompanying summary of changes, already made to the budget bills – are anything less than a sub silentio repudiation of Article VII, §§4, 5, 6 of the New York State Constitution and of the controlling consolidated Court of Appeals decisions in the budget lawsuits to which the Senate and Assembly were both parties: *Silver v. Pataki* and *Pataki v. Assembly*, 4 N.Y.3d 75 (2004). This, apart from their violations of Article III, §10 of the New York State Constitution: 'Each house of the legislature shall keep a journal of its proceedings, and publish the same...The doors of each house shall be kept open...'" (at p. 2),

I again request that you furnish the March 24th letter -- and its four FOIL/records request enclosures -- to all such highest superiors and Attorney General Schneiderman, so that there is no doubt on the subject that I gave the "notice" that I said I would.

Thank you.

Elena Sassower
914-421-1200

-----Original Message-----

From: Jeffrey Dvorin [mailto:Jeffrey.Dvorin@ag.ny.gov]
Sent: Friday, March 24, 2017 4:28 PM
To: 'Center for Judicial Accountability, Inc. (CJA)' <elena@judgewatch.org>
Subject: RE: "Concerns" -- RE: CJA v Cuomo citizen taxpayer action: #5122-16 -- plaintiffs' Feb 15 OSC: adjournment request & notice to Attorney General

Dear Ms. Sassower -- I will review the matter and take any action that I deem appropriate. In addition, I will convey your concerns regarding the application that you plan to make next week to the attorney handling the matter. You may continue to reach me via email. Very truly yours, Jeffrey Dvorin.

-----Original Message-----

From: Center for Judicial Accountability, Inc. (CJA) [mailto:elena@judgewatch.org]
Sent: Friday, March 24, 2017 4:03 PM
To: Jeffrey Dvorin <Jeffrey.Dvorin@ag.ny.gov>
Subject: "Concerns" -- RE: CJA v Cuomo citizen taxpayer action: #5122-16 -- plaintiffs' Feb 15 OSC: adjournment request & notice to Attorney General

Dear Litigation Bureau Chief Dvorin,

Thank you for your acknowledgment. However, my "concerns" are already fully "conveyed" in a multitude of fact-specific, law-supported submissions in the record of the two citizen-taxpayer actions. Are you familiar with the record -- beginning with plaintiffs' February 15th order to show cause and its Exhibit U analysis of Justice Hartman's December 21, 2016 decision? How about plaintiffs' September 30, 2016 memorandum of law, to which the Exhibit U analysis so prominently refers?

When will you be available to speak, directly, about the case? Will you be withdrawing AAG Kerwin's fraudulent March 22nd opposition papers, as I have requested? Will you be evaluating plaintiffs' entitlement to the Attorney General's intervention/representation, a threshold issue in the case -- and the no less threshold issue of Justice Hartman's disqualification? Who will be appearing before Justice Hartman at 11 a.m. on Tuesday, March 28th on plaintiffs' order to show cause for a preliminary injunction and TRO with respect to the Senate and Assembly's fraudulent, constitution-violating fiscal year 2017-2018 "amended" budget bills? And will they be coming with documents responsive to plaintiffs' four FOIL/records requests pertaining to the "amended" budget bills -- and will they be prepared to address the Court of Appeals' consolidated decisions in *Pataki v. Assembly & Silver v. Pataki*, 4 NY3d 75 (2004)?

TIME IS OF THE ESSENCE. Please advise as soon as possible -- and no later than Monday morning.

Meantime, I ask that you forward my previous e-mail, with its attached letter to Justice Hartman, to those above you in the supervisory chain:

Deputy Attorney General for State Counsel Megan Levine; Executive Deputy Attorney General for State Counsel Kent Stauffer; Chief Deputy Attorney General Janet Sabel; Chief Deputy Attorney General Jason Brown -- and Attorney General Schneiderman. Appropriate action must be taken, without delay -- consistent with codes of professional responsibility, the citizen-taxpayer statute, and Executive Law 63.1.

I am available over the weekend.

Thank you.

Elena Sassower
914-421-1200

-----Original Message-----

From: Jeffrey Dvorin [mailto:Jeffrey.Dvorin@ag.ny.gov]
Sent: Friday, March 24, 2017 1:44 PM
To: 'Center for Judicial Accountability, Inc. (CJA)' <elena@judgewatch.org>
Subject: RE: CJA v Cuomo citizen taxpayer action: #5122-16 -- plaintiffs' Feb 15 OSC: adjournment request & notice to Attorney General

Dear Ms. Sassower -- Thank you for your comments. If you have any additional concerns, please convey them in writing and be assured that I will give the matter my full attention. Very truly yours,

Jeffrey Dvorin
Bureau Chief
Litigation Bureau
Office of the Attorney General
The Capitol
Albany, NY 12224-0341

Phone (518) 776-2601 (NEW #)
FAX (518) 915-7738 (NEW #)

-----Original Message-----

From: Center for Judicial Accountability, Inc. (CJA) [mailto:elena@judgewatch.org]
Sent: Friday, March 24, 2017 1:33 PM
To: Jeffrey Dvorin <Jeffrey.Dvorin@ag.ny.gov>
Subject: CJA v Cuomo citizen taxpayer action: #5122-16 -- plaintiffs' Feb 15
OSC: adjournment request & notice to Attorney General

Dear Litigation Bureau Chief Dvorin,

Responding to your just-received e-mail, forwarded herewith is my self-explanatory e-mail to the Court, sent less than an hour ago. Please call me upon your review. Are you familiar with plaintiffs' February 15th order to show cause for Justice Hartman's disqualification/vacatur/reargument/renewal & other relief -- and the underlying record, substantiating its Exhibit U? For your convenience, here's CJA's menu page for our two citizen-taxpayer actions, from which everything is accessible:
<http://www.judgewatch.org/web-pages/searching-nys/budget/menu-budget-reform.htm>.

Here's also the menu webpage for what's been happening with the budget in the 2007 legislative session:
<http://www.judgewatch.org/web-pages/searching-nys/2017-legislature/2017-budget.htm>. I respectfully request that you view the VIDEOS of my testimony before the Legislature at its January 30th and 31st budget hearings. Here is the direct link to CJA's webpage on which both are posted, as likewise the VIDEO of my testimony at the Legislature's February 6, 2013 budget hearing:
<http://www.judgewatch.org/web-pages/searching-nys/2017-legislature/budget-hearings.htm>.

Please call me -- or have another high-level supervisor call. The budget is OFF the constitutional rails -- and is permeated with fraud, including as to the purported "amending" of the budget bills.

I am available throughout the weekend, anytime. The Attorney General must intervene here, pursuant to the citizen-taxpayer action statute -- and Executive Law 63.1 -- NOT, as he has been doing, corrupting the judicial process via his "of counsel" AAG Adrienne Kerwin. If independent counsel must be appointed, because Attorney General Schneiderman is a party, so be it. It must be done, forthwith -- including for purposes of review as to what's been going on.

"Cleaning up Albany" is NOT a heavy-lift. It just requires honesty and integrity on the part of the office of the Attorney General.

Thank you.

Elena Sassower
914-421-1200

-----Original Message-----

From: Center for Judicial Accountability, Inc. (CJA) [mailto:elena@judgewatch.org]
Sent: Friday, March 24, 2017 12:47 PM
To: 'Joanne Locke' <jlocke@nycourts.gov>
Cc: 'Adrienne Kerwin' <Adrienne.Kerwin@ag.ny.gov>
Subject: CJA v Cuomo citizen taxpayer action: #5122-16 -- plaintiffs' Feb 15
OSC: adjournment request & notice to Attorney General

Dear Ms. Locke,

Following up our two phone conversations yesterday, attached, with four enclosures, is plaintiffs' written request to adjourn to March 28th the return date of their Feb 15th OSC, signed by Justice Hartman on February 21st and made returnable today.

Thank you.

Elena Sassower
914-421-1200

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